

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #2	CCRB Case #: 201610499	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/18/2016 1:55 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 6/18/2018	EO SOL 6/18/2018	
Date/Time CV Reported Sun, 12/18/2016 4:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/27/2016 1:15 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Salvatore Ronzino	5445	940671	047 PCT
2. POM Jonathan Polanco	26935	948263	047 PCT
3. POM Choudhry Rameez	26669	948267	047 PCT
4. POM Brad Scala	31138	959206	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Belle	10552	939912	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Salvatore Ronzino	Force: At § 87(2)(b) in the Bronx, Sergeant Salvatore Ronzino used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Choudhry Rameez	Force: At § 87(2)(b) in the Bronx, Police Officer Choudhry Rameez used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Brad Scala	Force: At § 87(2)(b) in the Bronx, Police Officer Brad Scala used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Jonathan Polanco	Force: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Jonathan Polanco	Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco acted discourteously toward § 87(2)(b)	§ 87(2)(b)
F.SGT Salvatore Ronzino	Off. Language: At § 87(2)(b) in the Bronx, Sergeant Salvatore Ronzino made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.POM Jonathan Polanco	Abuse: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco threatened § 87(2)(b) with the use of force.	

Case Summary

On December 18, 2016, this complaint was filed with IAB by Sergeant Salvatore Ronzino of the 47th Precinct on behalf of § 87(2)(b). On December 27, 2016, this case was received by the CCRB.

On December 18, 2016, at approximately 1:55 p.m., Sergeant Ronzino, Police Officer Brad Scala, Police Officer Choudhry Rameez, and Police Officer Jonathan Polanco of the 47th Precinct arrived at § 87(2)(b) in the Bronx to investigate a domestic violence incident involving § 87(2)(b) and his sister, § 87(2)(b) who had gone to the stationhouse earlier that morning to report the incident (Board Review 16). On the previous evening, § 87(2)(b) had allegedly assaulted his sister and caused property damage inside of their home. Police Officer Rameez told § 87(2)(b) to come outside and § 87(2)(b) declined to do so. The officers returned to the front of the house and § 87(2)(b) decided to visit his cousin, § 87(2)(b) who lives two houses away.

While walking towards his cousin's home, § 87(2)(b) heard an officer tell him to get on the ground. At this time, Sgt. Ronzino and Police Officer Rameez grabbed him by his arms and pulled him towards the ground (**Allegations A and B**). Police Officer Scala assisted the officers in bringing § 87(2)(b) to the ground during this time (**Allegation C**). Police Officer Polanco approached § 87(2)(b) from behind and allegedly struck him with a closed fist on the left side of his abdomen and in his back (**Allegation D**). § 87(2)(b) was placed in handcuffs while lying on the ground. § 87(2)(b) was lifted to his feet and escorted towards § 87(2)(b).

§ 87(2)(b) fell to the ground as a result of pain in his legs. PO Polanco allegedly grabbed § 87(2)(b) by his hair and pulled his face along the pavement, resulting in scratches (**Allegation E**). All four officers escorted § 87(2)(b) to a police vehicle on § 87(2)(b) and Sergeant Ronzino allegedly referred to § 87(2)(b) as a "nigger," (**Allegation F**). § 87(2)(b) was transported from the location to § 87(2)(b) in an ambulance with Police Officer Polanco. While at the hospital, Police Officer Polanco allegedly told § 87(2)(b) that he would take him to an area in the hospital with no surveillance cameras, which § 87(2)(b) interpreted as a threat of force (**Allegation G**).

§ 87(2)(b) was charged with § 87(2)(b) (Board Review 01).

No video was obtained for this incident. Fieldwork for this case was conducted by investigators on December 28, 2016, but no video was obtained.

Mediation, Civil and Criminal Histories

This case was not suitable for mediation due to § 87(2)(b)'s arrest. As of March 16, 2017, § 87(2)(b) has not filed a Notice of Claim with the Comptroller's Office of the City of New York in regards to this case (Board Review 02). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 04).
- Sergeant Ronzino has been a member of the NYPD for 11 years and has had four prior CCRB allegations within two cases and no substantiated allegations. § 87(2)(g)
- Police Officer Polanco has been a member of the NYPD for seven years and has had 11 prior CCRB allegations within four cases and no substantiated allegations. § 87(2)(g)
- Police Officer Rameez has been a member of the NYPD for six years and has had 10 prior CCRB allegations within five cases and no substantiated allegations. § 87(2)(g)
- Police Officer Scala has been a member of the NYPD for one year and has no prior CCRB allegations filed against him.

Potential Issues

§ 87(2)(b) did not cooperate with the investigation's effort to obtain a telephone statement from her. § 87(2)(b) stated during his verified statements that neighbors had taken video of the incident but later stated that the video was no longer extant and could not be provided.

Findings and Recommendations

Allegation A – Force: At § 87(2)(b) in the Bronx, Sergeant Salvatore Ronzino used physical force against § 87(2)(b)

Allegation B – Force: At § 87(2)(b) in the Bronx, Police Officer Choudhry Rameez used physical force against § 87(2)(b)

Allegation C – Force: At § 87(2)(b) in the Bronx, Police Officer Brad Scala used physical force against § 87(2)(b)

Allegation D – Force: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco used physical force against § 87(2)(b)

On December 30, 2016, § 87(2)(b) provided a telephone statement to the CCRB (Board Review 09). On January 13, 2017, § 87(2)(b) was interviewed at the CCRB. On January 24, 2017, § 87(2)(b) § 87(2)(b)'s mother, provided a telephone statement to the CCRB (Board Review 10). On January 26, 2017, § 87(2)(b) § 87(2)(b)'s cousin, provided a telephone statement to the CCRB (Board Review 11). On February 10, 2017, Sergeant Ronzino was interviewed at the CCRB. On February 17, Police Officer Rameez and Police Officer Scala were interviewed at the CCRB. On February 27, 2017, Police Officer Polanco was interviewed at the CCRB.

It is undisputed that when officers grabbed § 87(2)(b) to arrest him outside his home, after he voluntarily exited, that he struggled and moved his body erratically, and that officers proceeded to take him to the ground.

§ 87(2)(b) stated that he and his sister had been involved in an altercation on the previous evening and that he had thrown a tablet computer, resulting in property damage but no injuries.

§ 87(2)(b)'s sister left the house that night and did not have injuries. § 87(2)(b) was summoned to the front door the following morning by his mother who told him the police wanted to speak with him. § 87(2)(b) spoke with Police Officer Rameez and told him that he would turn himself in at a later time in regards to the incident. § 87(2)(b) stated that he was irate at this time and was arguing with his mother. § 87(2)(b) was aware that the police officers were there at that time to place him under arrest. The officers walked away from the house after § 87(2)(b) stated he would turn himself in. Shortly after, § 87(2)(b)'s cousin, § 87(2)(b) entered the house and invited § 87(2)(b) to her house which was approximately 100 feet away.

§ 87(2)(b) exited his home and walked eastbound on § 87(2)(b). When § 87(2)(b) was approximately 50 feet away, he heard an unidentified officer tell him to get on the ground. § 87(2)(b) turned towards the officers asked them why they wanted him to get on the ground. Police Officer Rameez took hold of § 87(2)(b) by his left hand and Police Officer Scala took hold of him by his right wrist. Police Officers Rameez and Scala kicked at § 87(2)(b)'s legs and Police Officer Polanco punched him twice on his back and abdomen as he fell forward towards the ground. Multiple officers instructed § 87(2)(b) to "get down" during this time and he replied, "Get the fuck off of me." While on the ground, Police Officer Polanco placed a knee on § 87(2)(b)'s back to hold him down while Sergeant Ronzino placed him in handcuffs. § 87(2)(b) stated that he had been moving his feet to prevent the officers from bringing him to the ground but that he did not resist once on the ground. § 87(2)(b) stated that these actions aggravated a pre-existing injury to his right shoulder.

§ 87(2)(b)'s mother, § 87(2)(b) confirmed that § 87(2)(b) had assaulted § 87(2)(b) on the previous evening and caused significant property damage to her home. § 87(2)(b) opened the door for four police officers the following morning who had arrived to speak with § 87(2)(b). § 87(2)(b) came to the door and cursed at the officers and told them that he would not step outside to speak to them. § 87(2)(b) came to the door shortly after the officers walked away and had § 87(2)(b) accompany her to her home. Shortly after § 87(2)(b) walked outside, § 87(2)(b) heard him yelling. § 87(2)(b) did not see § 87(2)(b) again until he was in handcuffs and awaiting transport to the hospital. § 87(2)(b) did not observe any apparent injuries at that time but noted that he had suffered an injury in the past from playing football.

§ 87(2)(b) observed Police Officers Rameez and Polanco standing outside of § 87(2)(b)'s home and observed § 87(2)(b) walking out of his home. § 87(2)(b) approached § 87(2)(b) outside and invited him into her home. § 87(2)(b) declined the offer and stated that he wanted to go for a walk. Police Officer Rameez and Sergeant Ronzino informed § 87(2)(b) that they were there to place him under arrest. Police Officer Rameez and Sergeant Ronzino then grabbed § 87(2)(b) from his arms and pushed his back up against a wall before bringing him to the ground, resulting in scrapes to his face. § 87(2)(b) was kicking at the officers while on the ground and moving his shoulders erratically. § 87(2)(b) told § 87(2)(b) to "calm down" during this time. § 87(2)(b) did not see the officers kick § 87(2)(b)'s legs during this time.

§ 87(2)(b)'s Pre-Hospital Care Report and § 87(2)(b) medical records indicate that he complained of a shoulder injury but did not make mention of any scratches or bruising to his

body. § 87(2)(b) was highly irate while in the hospital and was restrained at the hospital by multiple police officers (Board Review 12).

§ 87(2)(b)'s arrest photograph does not show any bruising or scratches to his face (Board Review 13). Photographs of § 87(2)(b)'s knees and elbows taken on December 19, 2017, and provided by § 87(2)(b) on January 13, 2017, show small cuts and abrasions (Board Review 15).

Sergeant Ronzino, Police Officer Scala, Police Officer Rameez, and Police Officer Polanco all stated that § 87(2)(b) was belligerent when they met him at the door to his home and that he directed profane remarks towards the officers. All four officers noted that, later in the incident, § 87(2)(b) made complaints about his forcible takedown aggravating his shoulder injury.

As per Sergeant Ronzino, prior to interacting with § 87(2)(b) he was informed by Police Officers Rameez and Polanco that § 87(2)(b) had informed them that § 87(2)(b) would likely resist arrest. Sergeant Ronzino observed injuries to § 87(2)(b)'s face and was told that these were caused when § 87(2)(b) struck her with a tablet computer the previous evening. Sergeant Ronzino initially decided to leave the area after § 87(2)(b) ignored multiple verbal requests to come outside. However, shortly thereafter, while the officers were speaking with § 87(2)(b) in front of the house, § 87(2)(b) walked outside and began walking eastbound on § 87(2)(b) St. § 87(2)(b). Police Officers Polanco and Rameez followed after § 87(2)(b) in order to place him under arrest for assaulting § 87(2)(b).

Police Officers Polanco and Rameez grabbed ahold of § 87(2)(b) by each arm and § 87(2)(b) resisted by raising his arms to chest height and holding them in place so the officers could not pull his arms behind his back. Police Officer Scala and Sergeant Ronzino moved to assist and did so by helping the other officers pull § 87(2)(b)'s arms behind his back and push him towards the ground. § 87(2)(b) fell to the ground but Sergeant Ronzino did not know which part of his body made contact. Sergeant Ronzino did note any injuries to § 87(2)(b) aside from an aggravated shoulder injury for which he was hospitalized.

Police Officer Polanco stated that he did not intend on arresting § 87(2)(b) until he exited his mother's home and began walking eastbound on § 87(2)(b) St. § 87(2)(b) had previously informed the officers that he would fight them if they tried to arrest him. Police Officers Polanco and Rameez followed § 87(2)(b) as he walked away. § 87(2)(b) told the officers that he would fight them if they touched him. Police Officer Polanco, Police Officer Rameez, and Sergeant Ronzino all grabbed § 87(2)(b) by his arms and kicked at his legs in an attempt to sweep him off of his feet and bring him to the ground. § 87(2)(b) moved his body erratically during this process and did not allow the officers to bring him to the ground or place him in handcuffs. Police Officer Polanco placed a knee on § 87(2)(b)'s back while placing him in handcuffs. Police Officer Polanco later observed cuts on § 87(2)(b) but did not know where these cuts were or how or when during the incident they were sustained. Police Officer Polanco sustained an injury to his left thumb during the struggle but could not specify how this occurred and could only say that he sustained the injury while placing § 87(2)(b) in handcuffs.

§ 87(2)(g)

Police Officer Rameez added that Police Officer Scala was involved in the takedown of § 87(2)(b) but could not provide any specifics on how he was involved. Police Officer Rameez observed scrapes to § 87(2)(b)'s arms but could not account for the cause of these injuries.

Police Officer Scala stated that he assisted the officers in bringing § 87(2)(b) to the ground by holding his shoulder as officers behind him pushed him towards the ground. § 87(2)(b) did not have a “hard landing” and was not bleeding when he made contact with the ground. Police Officer Scala denied that he kicked at § 87(2)(b)'s legs and denied seeing any other officer do so.

Penal Law Section 35.30 and Patrol Guide Procedure 221-01 hold that officers are allowed to use reasonably physical force when necessary to place a person in custody or to prevent escape from custody (Board Review 13-14).

§ 87(2)(g)

Allegation E – Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco acted discourteously toward § 87(2)(b)

Allegation F – Offensive Language: At § 87(2)(b) in the Bronx, Sergeant Salvatore Ronzino made remarks to § 87(2)(b) based upon race.

Allegation G – Abuse of Authority: At § 87(2)(b) in the Bronx, Police Officer Jonathan Polanco threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that while being walked towards waiting RMP, he fell to the ground on his own and Police Officer Polanco pulled him by his hair while standing him up. § 87(2)(b) further alleged that while waiting for an ambulance to arrive to the location, he was complaining about his treatment to the officers when Sergeant Ronzino called him a “nigger.” § 87(2)(b) stated that he continued to complain about his treatment while at § 87(2)(b) and that Police Officer Polanco told him that he would take him to an area of the hospital with no cameras, which § 87(2)(b) perceived as a threat of force.

§ 87(2)(b) acknowledge observing a contentious exchange between the officers and § 87(2)(b) prior to his being transported but denied hearing an officer call him a “nigger.” § 87(2)(b) did not see § 87(2)(b) while he was being walked towards the RMP. § 87(2)(b) did not hear most of what was said between § 87(2)(b) and officers after he was handcuffed and did not hear an officer call § 87(2)(b) a “nigger” and did not see § 87(2)(b) fall to the ground or have his hair pulled as he was walked towards a waiting RMP.

All officers interviewed for this case denied seeing § 87(2)(b) fall to the ground while being walked to an RMP and denied seeing Police Officer Polanco pull § 87(2)(b) by his hair. All officers denied hearing Sergeant Ronzino refer to § 87(2)(b) as a “nigger.” Police Officer Polanco denied pulling § 87(2)(b) by his hair and denied threatening him with force or threatening to remove him to an area of the hospital with no video cameras at any time. Sergeant Ronzino denied calling § 87(2)(b) a “nigger.”

§ 87(2)(g)

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Squad: 2

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date